



March 15, 2010

**VIA ELECTRONIC FILING**

Honorable Michael A. Shipp  
U.S. Magistrate, United States District Court  
Martin Luther King Building & US Courthouse  
50 Walnut Street  
Newark, NJ 07102

David R. Kott  
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Re: Walsh Securities, Inc. v. Cristo Property Management, et al.  
United States District for the District of New Jersey  
Civil Action No. 97-3496 (DRD)

Dear Judge Shipp:

We represent the defendant and third-party plaintiff Commonwealth Land Title Insurance Company in this case.

During the pendency of this case there was a mediation (conducted on a number of sessions) by New Jersey retired Superior Court Judge Boyle. As part of that mediation process Judge Boyle suggested that the parties take depositions of certain of the fact witnesses, and a number of depositions were taken of those fact witnesses as part of the mediation process.

It would expedite discovery in this case (and save the parties significant resources) if the depositions taken as part of the mediation process could be used in this case as if they were taken as part of the discovery in this case. In short, that could potentially greatly reduce the number of depositions that need to be taken of fact witnesses.

I have spoken with Robert Magnanini, Esq., the attorney for the plaintiff Edward Hayes, Esq., the attorney for co-defendants Fidelity National Title Insurance and Nations Title Insurance, and Martin McGowan, Esq., the attorney for defendant Coastal Title. All are in agreement that it would expedite the discovery (and save resources) if the Court were to enter an Order allowing the depositions taken during the mediation process to be used in this case as if they were taken during discovery in this case.

Accordingly, I am enclosing a proposed Order Allowing Depositions Taken During Mediation to be Used as if Taken During Discovery. Before submitting this Order to Your Honor, I have provided a copy of it to Messrs. Magnanini, Hayes and McGowan and I represent that they have informed me they have no objection to entry of the enclosed Order.

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The enclosed Order is submitted under the seven-day rule contained in Local Rule 7.1(e). Accordingly, I am sending a copy of this letter and its enclosures to the attorneys and other parties in this case. If there is no objection to the Order and the Order meets with Your Honor's approval I would request that the Court enter the Order and have Your Honor's Deputy Clerk electronically file the entered Order.

Respectfully submitted,



David R. Kott

DRK/srv  
Enclosure

cc: Robert A. Magnanini, Esq. (w/enc., via fax & regular mail)  
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Martin R. McGowan, Jr., Esq. (w/enc., via fax & regular mail)  
Vincent P. Manning, Esq. (w/enc., via fax & regular mail)  
All persons and entities on attached Service List (w/enc., via regular mail)

**SERVICE LIST**

**WALSH SECURITIES, INC. V. CRISTO PROPERTY MANAGEMENT, ET AL**  
**CIVIL ACTION NO. 97-3496 (DRD)**

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